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Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00
INRE-00 /036 W
----------096346 282002Z /75
O 281908Z APR 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 0818
INFO AMEMBASSY LONDON IMMEDIATE
AMEMBASSY BONN IMMEDIATE

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E. O. 11652:N/A
TAGS: EAIR,FR
SUBJECT: CIVAIR: PANAM CHANGE OF GAUGE.

REF: PARIS 13836

1. SUMMARY: GOF IS VERY UNHAPPY THAT USG AND PANAM INTEND TO FORCE THE CHANGE OF GUAGE ISSUE WITH MAY 1 FLIGHT AND CONSIDER ANY SUCH FLIGHT AS A DELIBERATE CHALLENGE TO FRENCH LAW. DRAWS PARALLEL WITH GOF ACCEPTANCE OF US LAW IN RELATION TO PROPOSED CONCORDE WASHINGTON-MEXICO OPERATIONS. FURTHER ATTEMPTS SHOULD BE MADE TO RESOLVE THE CHANGE OF GAUGE ISSUE THROUGH DISCUSSION, BUT NO SPECIFIC PROPOSALS HAVE BEEN MADE FOR SCHEDULING A DISCUSSION. QUAI HAS PROVIDED US WITH DRAFT OF NOTE BEING PREPARED FOR PRESENTATION IN WASHINGTON LATE APRIL 28. END SUMMARY.

2. AVIATION DIRECTOR CLAUDE-LAFONTAINE INVITED CIVIL AIR ATTACHE TO QUAI D'ORSAY AT 5:30 P.M. TO DISCUSS SITUATION. GAVE US DRAFT OF NOTE BEING PREPARED FOR PRESENTATION TO STATE DEPARTMENT IN WASHINGTON LATER
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TODAY.
FOLLOWING IS INFORMAL EMBASSY TRANSLATION OF THE DRAFT.
A. DURING HIS TELEPHONE CONVERSATION WITH MR. DE SEDOY ON APRIL 27, MR. ATWOOD INDICATE THAT THE AMERICAN AUTHORITIES WERE FIRMLY CONVINCED OF THE VALIDITY OF THEIR LEGAL POSITION, ACCORDING TO WHICH THE FRANCO-AMERICAN AVIATION AGREEMENT PERMITS CHANGE

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OF GAUGE AT POINTS SITUATED OUTSIDE THE TERRIROTY OF THE CONTRACTING PARTIES. IN THESE CIRCUMSTANCE, PAN AM INTENDED ON MONDAY, MAY 1, WITH THE AGREEMENT OF THE AMERICAN AUTHORITIES, TO BEGIN SERVICE ON THE ROUTE HONOLULU-SAN FRANCISCO-LONDON-PARIS, INCLUDING A CHANGE OF GAUGE AT LONDON.

B. FRENCH AUTHORITIES HAVE TAKEN NOTE OF THIS STATEMENT. THEY WISH TO REMIND THE AMERICAN AUTHORITIES THAT THE DIRECTORATE GENERAL OF CIVIL AVIATION HAS INDICATED TO PAN AM -- BY LETTER NO. 1662 OF APRIL 11-- THAT IT COULD NOT APPROVE THE SCHEDULE OF PAN AM FLIGHTS 124/125 HONOLULU-SAN FRANCISCO-LONDON-PARIS, A CHANGE OF GAUGE IN LONDON. THEY ALSO WISH TO REMIND THE AMERICAN AUTHORITIES THAT, PURSUANT TO ARTICLE L330-2 OF THE CIVIL AVIATION CODE, "THE ESTABLISHMENT OF ROUTES FOR INTERNATIONAL AIR NAVIGATION AS WELL AS THE CREATION AND OPERATION OF REGULAR INTERNATIONAL AIRLINES ARE SUBJECT TO THE PRIOR AUTHORIZATION OF THE FRENCH GOVERNMENT."

C. IN THESE CIRCUMSTANCE, SHOULD PAN AM PERSIST IN ITS INTENTION TO CARRY OUT A FLIGHT WHOSE PROGRAM HAS NOT BEEN APPROVED BY THE DIRECTORATE GENERAL OF CIVIL AVIATION, THE FRENCH AUTHORITIES WISH TO DRAW THE ATTENTION OF THE AMERICAN AUTHORITIES TO THE LIMITED OFFICIAL USE

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GRAVITY OF THIS UNILATERAL ACTION AND, IN PARTICULAR, TO THE FACT THAT THE SANCTIONS PROVIDED BY ARTICLE R330-15 OF THE CIVIL AVIATION CODE WOULD BE APPLICABLE."

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INRE-00 /036 W
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FM AMEMBASSY PARIS
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3. IN SUBSEQUENT DISCUSSION CLAUDE LAFONTAINE MADE THE FOLLOWING POINTS:

A.) GOF MAINTAINS THE LEGAL POSITION OUTLINED IN ITS LAST NOTE TO STATE DEPARTMENT AND CONSIDERS THE APRIL 24 BILATERAL DISCUSSION IN PARIS ON THIS ISSUE AS INADEQUATE. THE LEGAL ASPECTS OF THE SITUATION HAVE NOT BEEN FULLY DISCUSSED BILATERALLY AND THE GOF CAN NOT UNDERSTAND WHY THE US IS PUSHING THE SITUATION THROUGH A MAY 1 FLIGHT. THE US EFFORT TO FORCE THE ISSUE IS "UNFAIR"

B.) WHAT WOULD BE THE US REACTION IF THE GOF FORCED THE ISSUE ON CONCORDE, SHE ASKED, BY ATTEMPTING TO START WASHINGTON-MEXICO SERVICE WITHOUT DOT/FAA APPROVAL? FRANCE UNDERSTANDS U.S. LEGAL PROBLEMS REGARDING THE CONCORDE AND IS REALLY BEING "VERY NICE" BY HAVING EXTENDED TWA GENEVA-NICE SERVICE WHEN IT MAY NOT HAVE BEEN IN HER BEST INTEREST TO HAVE DONE SO.

C.) IF PAN AM OPERATES ITS FLIGHT ON MONDAY, IT

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WOULD BE A "BAD ELEMENT" IN OVERALL FRENCH-US RELATIONS, FOR PAN AM WOULD BE DELIBERATELY DEFYING THE FRENCH DGCA REGULATIONS. FRANCE WOULD NEVER AUTHORIZE AIR FRANCE TO TAKE SIMILAR ACTION IN RELATION TO ITS U.S. OPERATIONS.

D.) FRANCE HAS ACCEPTED THE U.S. EXPLANATION (ON APRIL 24) OF ITS DOMESTIC LEGISLATION RE THE CONCORDE PROBLEM AND EXPECTS THE UNITED STATES TO SHOW THE SAME RESPECT TO THE FRENCH CODE. THE U.S. CARRIERS HAVE THE SAME OBLIGATION TO OBEY THE FRENCH CODE AS AIR FRANCE HAS WITH RESPECT TO U.S. LEGISLATION AND REGULATIONS. THIS PRINCIPLE, SHE EMPHASOZED, IS CONTAINED IN THE BILATERAL AGREEMENT (BUT SHE WAS UNABLE TO CITE THE SPECIFIC ARTICLE). IN THE SPIRIT OF

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GOOD RELATIONSHIPS BETWEEN THE U.S. AND FRANCE, PAN AMERICAN SHOULD THUS NOT VIOLATE FRENCH LAW.

E). FRANCE UNDERSTANDS THAT THE CHANGE OF GAUGE QUESTION IS IMPORTANT TO THE U.S. IN ITS RELATIONS WITH MANY COUNTRIES AND HAS STUDIED OUR AGREEMENTS WITH VARIOUS EUROPEAN COUNTRIES. IN THE LIGHT OF THIS IMPORTANCE, MORE THOROUGH DISCUSSION OF THE ISSUE (LEGALLY AND ECONOMICALLY) SHOULD TAKE PLACE.

4.CIVIL AIR ATTACHE DID NOT TELL CLAUDE LAFONTAINE ABOUT THE INFORMATION REPORTED TO US BY PANAM (REFTEL). WE REPLIED SIMPLY BY OBSERVING THAT HER POINTS WOULD BE PROMPTLY RELAYED TO WASHINGTON, AND NOTED THAT WE HAD NO INSTRUCTIONS ON THE BASIS OF WHICH WE COULD MAKE ANY SPECIFIC COUNTER PROPOSALS. WE DID, HOWEVER, REPEAT THE US REQUEST OF APRIL 24 THAT PANAM SHOULD BE LIMITED OFFICIAL USE

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PERMITTED TO COMMENCE OPERATIONS WHILE DISCUSSIONS CONTINUED. HOWEVER, SHE WOULD NOT GIVE US ANY SATISFACTION ON THAT POINT. LIKEWISE, WE COULD NOT GET HER TO MAKE A PROPOSAL FOR A QUICK RESUMPTION OF

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DISCUSSIONS ON THE ISSUE. SHE TOOK THE POSITION THAT IT WAS THE U.S. WHO WAS REQUESTING CHANGE OF GAUGE AS A RIGHT AND THEREFORE IT WAS UP TO US TO MAKE A PROPOSAL FOR A MEETING. SHE WOULD NOT EVEN INDICATE THE WILLINGNESS OF A FRENCH DELEGATION TO GO TO WASHINGTON, PERHAPS NEXT WEEK. FINALLY, SHE DID NOTE THAT HER SUPERVISOR (DESEDOUY) HOPED TO CALL DEPUTY ASSISTANT SECRETARY ATWOOD THE AFTERNOON (WASHINGTON TIME) OF APRIL 28 TO FURTHER MAKE THE ABOVE POINTS AND WE URGED HER TO HAVE DESEDOUY READY TO MAKE A PROPOSAL RE SCHEDULING OF NEGOTIATIONS.

.5.COMMENT: EMBASSY IS CONFIDENT THAT WASHINGTON IS WEIGHING ALL RELEVENT CONSIDERATIONS IN ENCOURAGING PANAM TO GO AHEAD WITH ITS PLANS FOR A MAY 1 FLIGHT IN SPITE OF GOF OBJECTIONS. FROM OUR VANTAGE POINT, ALTHOUGH THE PENALTIES PROVIDED IN THE FRENCH CODE APPEAR NOMINAL, WE DO NOT THINK A DELIBERATE DEFIANCE OF THE FRENCH GOVERNMENT WILL DO PANAM'S LOCAL IMAGE ANY GOOD. FURTHERMORE, IF THE CAB SHOULD RE-
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COMMEND RETALIATION TO THE WHITE HOUSE, THE FRENCH COULD BE EXPECTED TO MAKE IT A MAJOR POLITICAL ISSUE AT THE HIGHEST LEVELS. IN ANY EVENT WE HAVE NOTED CLAUDE-LAFONTAINE'S EMPHASIS ON THE IMPORTANCE OF FURTHER DISCUSSION WHICH PRESUMABLY MUST TAKE PLACE REGARDLESS OF WHAT HAPPENS ON MAY 1. END COMMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS, AMENDMENTS, AIR ROUTES
Control Number: n/a
Copy: SINGLE
Draft Date: 28 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS13887
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 5
Previous Channel Indicators: n/a
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Previous Handling Restrictions: n/a
Reference: 78 PARIS 13836
Retention: 0
Review Action: RELEASED, APPROVED
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Review Date: 05 may 2005
Review Event:
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Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2945741
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: PANAM CHANGE OF GAUGE.
TAGS: EAIR, FR, PANAM
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/755788ac-c288-dd11-92da-001cc4696bcc
Review Markings:
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